

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7182

BILL NUMBER: HB 1730

NOTE PREPARED: Jan 11, 2007

BILL AMENDED:

SUBJECT: DNA Samples for Felony Arrests.

FIRST AUTHOR: Rep. Neese

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires the Superintendent of the Indiana State Police to include any individual arrested for a felony in the DNA data base. It requires a person arrested for certain crimes to submit a DNA sample for the DNA data base. It makes conforming amendments.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Summary:* An annual increase in expenditures of \$52,000 is estimated to be incurred by the Indiana State Police for analyzing and maintaining DNA samples and other added administrative expense to implement and maintain a process to expunge records. Information on the number of sex or violent offenders from other states is currently not known. This estimate will be updated if additional information becomes available.

Background: The state DNA database consists of DNA identification records of convicted criminals, crime scene specimens, unidentified missing persons, and close biological relatives of missing persons. This bill would add two new groups of persons who would be required to submit a sample: adults arrested for certain sex or violent crimes and sex offenders who are not currently required to provide a sample.

Adult Arrestees: All persons older than 18 years of age who are arrested for a sex crime listed in IC 11-8-8-5 (the Sex Offender Registry definition of sex offender), murder, attempted murder, voluntary manslaughter, or attempting one of these offenses would be required to provide a DNA sample.

Offenders on the Sex Offender Registry Who Currently Are Not Required to Provide a Sample: Juveniles who have been adjudicated to have committed a sex crime and sex offenders from other states who have moved to Indiana would be required to submit a DNA sample. Based on commitments in CY 2004 and 2005, LSA estimates that between 80 and 90 juveniles are committed to Department of Correction (DOC) juvenile facilities each year for a sex crime. The number of sex offenders from other states who move to Indiana is not known. There may also be some sex offenders who have been convicted in Indiana, registered in the Sex Offender Registry and who have not provided a DNA sample. The number of these offenders is not known.

Estimating the Added Samples and New Expenditures: No statewide data exists concerning the number of arrests that lead to a conviction and the number who are not prosecuted or found to be not guilty. To make these estimates, LSA used published statistics from the Bureau of Justice Statistics (BJS) and a fiscal note from HB 1244-0 which added similar statutory language to the Minnesota statute.

Based on the following reports, LSA estimates that 50% of all arrests lead to convictions:

- Based on a BJS report and intake information from the Indiana Department of Correction on the number of offenders committed for the crimes specified in the bill, about 49% of arrests result in conviction.
- Minnesota assumed that about 50% of arrests resulted in conviction.

To estimate the added samples that would need to be processed, LSA used commitments to DOC adult and juvenile facilities for sex and violent offenders as the basis of determining added arrests.

- 959 adult offenders were committed in CY 2005
- 90 juvenile delinquents were committed in CY 2004

Neither the number of new sex or violent offenders moving into Indiana in any year nor the current number of adults registered in the Sex Offender Registry who have not provided a DNA sample is currently available. This fiscal note will be updated if this information becomes available.

Using arrest-to-conviction data of 50%, LSA assumes that the number of samples for persons arrested for one of the crimes listed in the bill will double. The following table estimates the number of additional samples that will be collected for arrestees and costs of collecting and analyzing the additional DNA samples.

Estimated Dna Samples Collected from Sex and Violent Offenders		Percentage of Arrests Not Leading to Conviction		Additional Samples		Collection and Analysis Costs*		Estimated Cost
1,049	÷	50.0%	=	1,049	x	\$48.75	=	\$51,139
* Includes collection costs of \$18.75 and analysis costs of \$30 when outsourced.								

(Note: Since sex or violent offenders who move into Indiana and the number of sex offenders currently registered but who have not provided a DNA sample is not currently known, the number of added samples may be underestimated. This fiscal note will be updated if added information becomes available.)

Expungement: Besides the costs for collection and analysis, the cost to expunge the record of DNA could increase. Under current law, an individual may request expungement if the conviction on which the authority for inclusion is based has been reversed or the case dismissed. Under the bill, an individual could also ask for expungement if the charges, information, or indictment is dropped or dismissed, or the person has been found not guilty of the underlying crime.

Currently, two DNA samples are sent to the State Police laboratory; one for analysis and one that is stored for future use if another crime is committed. The sample for analysis is sent to a vendor, but will eventually be analyzed in-house when a new State Police laboratory is completed and fully staffed. Once the profile has been entered into the database the sample is destroyed. For expungement, the additional samples would have to be destroyed and the records removed from the data base. The number of staff needed to expunge DNA samples will increase with the number of expungements performed. The current procedure is to require the individual to provide a copy of the court order and then to check the court order with the court or the State Police for verification. It is estimated that there have been five records expunged. Current volume is not large enough to determine how many more staff may be needed if more records are expunged.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*. Local law enforcement agencies would have to collect more samples. Mouth swabs are used to collect samples for DNA analysis.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police; Department of Correction.

Local Agencies Affected: Local law enforcement agencies.

Information Sources: Bureau of Justice Statistics, *State Court Sentencing of Convicted Felons, 2002*; Ed Littlejohn, Elittlejohn@isp.IN.gov; Paul Misner, 317-921-5306.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.